



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,377	11/14/2001	Sadato Akahori	Q67294	6696

7590 12/14/2005
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

UPRETI, ASHUTOSH

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,377	Applicant(s) AKAHORI, SADATO	
	Examiner Ashutosh Upreti	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>20051201</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments and Amendments

Applicant's amendment filed November 14, 2005 has been entered and made of record.

The objection to claim 4 is withdrawn in view of applicant's amendment.

Applicant's arguments with respect to all previous 35 USC 103 rejections have been considered but are moot in view of the new ground(s) of rejection.

In a telephone conversation on 12/02/05 with Alan Kasper (Reg. No. 25,426), Examiner stated that adding the word "automatically" on line 7 of claim 1 between "(c)" and "obtaining", and making a similar amendment to all independent claims, would put the application in condition for allowance. The attorney for the applicant needed to consult further with the applicant and therefore was unable to authorize such an amendment over the phone, prior to the mailing of this office action. Examiner reminds applicant that the above mentioned amendment would put the application in condition for allowance. If applicant chooses to amend, this can be done in writing, or by contacting the examiner via telephone, to make an examiner's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonekawa (USPN 6,504,897) in view of Chang (USPN 6,055,326).

As to claim 1, Yonekawa discloses a medical image processing method of processing image data (column 18, line 56) representing a series (column 31, lines 66- column 32, line 1) obtained by a radiography apparatus and read by an image reading apparatus (column 16, lines 44-46), said method comprising the steps of:

(a) receiving plural kinds of image data (column 8, lines 56-62 shows different kinds of image data are obtained) representing the series of images (column 31, lines 66 – column 32, line 1) and respective photographing conditions when the series of images obtained (column 8, lines 56-67 and column 29, lines 35-38);

(b) executing image processing of the plural kinds of image data (column 18, line 56);

(c) obtaining output-format control information including information as to output position and position adjustment of the series of images corresponding to the photographing conditions received at step (a) from among a predetermined set of output-format control information to be used to control an image format when the series of images are to be output in one screen (column 24, lines 44-67, here there is a choice of which x-ray apparatus is selected and once it is chosen, the images from that apparatus are sent along with control information relating to photographing conditions. This information is received and checked by the operator. Since this information

includes information relating to radiographing region and radiographing direction and is related to the particular x-ray apparatus chosen, the examiner considers this to be position and position adjustment information. The output-format control information is considered to be predetermined as it is automatically generated, though the user does have the option of changing it. Additionally, the images obtained are grouped together according to body region and direction as disclosed in column 34, lines 2-19); and

(d) automatically constructing a layout of a series of images to be output in one screen on the basis of the output-format control information obtained at step (c) (column 25, lines 27-40 discloses that the images are automatically output to a screen. It is clear that photographing condition data is combined with the image data and since they are being output to a display, then layout must be being taken into account.

Furthermore, column 34, lines 49-52 shows that the display of a series of images can be further customized according to user preference of which photographing conditions to base the display on).

Yonekawa does not expressly disclose that the output format control information includes information about rotation of the images.

Chang discloses that the output format control information includes information about rotation of the images (Figure 12, element 50).

It would have been obvious to a person of ordinary skill in the art, at the time the invention was made to use the output format control information of Chang when processing the images of Yonekawa as they both deal with radiographic images taken

Art Unit: 2623

under different photographing conditions. Doing so will make it easier to determine and use images of different orientations (column 5, lines 14-17 of Chang), thus providing motivation.

As to claim 2, Yonekawa as applied above further discloses that each photographing condition is determined in accordance with a portion to be photographed (column 24, lines 62-64 shows that the portion to be photographed is taken into account and since each portion has different characteristics, the conditions will clearly be in accordance with the portion being imaged, else the user can change them).

As to claim 3, Yonekawa as applied above further discloses

Storing the obtained output-format control information as image attendant information of the image data (column 25, lines 34-36); and

Outputting one of (i) the image series of images after the image processing and (ii) the series of images in the layout constructed on the basis of stored output-format control information, in accordance with a user's instruction (column 25, lines 37-39 disclose that the images are output after image processing).

As to claim 4, Yonekawa further discloses previewing and adjusting the series of images to be output in one screen (column 25, lines 27-30).

As to claim 5, the limitation of the claim is rejected for the same reasons as given in the rejection of claim 1 (rotation is discussed in the claim 1 rejection).

As to claim 6, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 1.

As to claim 8, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 3.

As to claim 9, the limitations of the claim are rejected for the same reasons as given in the rejections of claims 1 and 3.

As to claim 10, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 2.

As to claim 11, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 2.

As to claim 12, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 4.

As to claim 13, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 4.

As to claim 14, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 5.

As to claim 15, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 5.

Art Unit: 2623

As to claim 16, the limitations of the claim are rejected for the same reasons as given in the rejection of claim 1 (claim 1 discusses the same concept but with an added step – the same result is achieved, namely that layout is on the basis of image data and image attendant information).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashutosh Upreti whose telephone number is (571) 272-7428. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AU

AU
December 11, 2005

JINGGE WU
PRIMARY EXAMINER

